

## **Remarks**

### **I. Introduction**

This is in response to the Office Action dated May 25, 2006. The Office Action rejected claims 1-6, 8-15, 17-26, 28-29, 32-37, and 39-41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,477,363 (Ayoub) in view of U.S. Patent No. 5,479,482 (Grimes). The Office Action also rejected claims 7, 16, 27, and 38 under 35 U.S.C. §103(a) as being unpatentable over Ayoub and Grimes in view of U.S. Patent No. 6,725,049 (Williams). The Office Action also rejected claims 30, 31, and 42 under 35 U.S.C. §103(a) as being unpatentable over Ayoub and Grimes in view of U.S. Patent No. 6,054,928 (Lemelson).

Applicants traverse the rejections. Claims 1-42 remain for consideration. Applicants also submit herewith a Request for Continued Examination in response to the finality of this Office Action.

### **II. Rejections under 35 U.S.C. §103**

Claims 1-6, 8-15, 17-26, 28-29, 32-37, and 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ayoub in view of Grimes. None of the cited references, either alone or in combination, disclose Applicants' invention.

The present invention is generally directed to determining the location of a mobile communication device and then linking metadata representing the determined mobile communications device location to audio stream data. The metadata is extracted from the audio stream data and the location of the mobile communications device is presented at a communications terminal. In addition to the mobile communications device location, the metadata also includes call related data such as calling/called party identification, trunk identification, call record identification, billing number identification, tracking identification, etc. which would support data searching, data mining, and/or data linking activities.

Ayoub is directed to a system and method for communicating the location of an emergency caller through a telephone network using a mobile telephone set having a location detection unit. The position data is translated into a stream of audio tones to be transmitted while the call connection is in progress.

(Abstract).

Grimes is directed to a cellular terminal that includes a GPS device. Upon the user of the cellular terminal placing an emergency telephone call, the cellular terminal interrogates the GPS device to obtain the geo-coordinates. The cellular terminal then transmits the geo-coordinates to a cellular telecommunication switching system. The cellular switching system or a public safety answering point (PSAP) system responds to the 911 call by converting the geo-coordinates into location information. (Col. 2, lines 9-18). The cellular terminal also transmits additional information to assist emergency service personnel in responding to the 911 call. (Col. 3, lines 35-38).

Independent claim 1 is as follows:

A mobile communications device, comprising:

- means for determining mobile communications device location; and
- means for linking metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call.

The Office Action admits that Ayoub fails to “explicitly teach linking metadata representing the determined mobile communications device location and call related data to audio stream data.” The Office Action relies on Grimes to cure the deficiencies of Ayoub.

Grimes does not cure the deficiencies of Ayoub. As described above, Grimes discloses a cellular terminal for transmitting information defining its location upon placing a 911 call. Grimes also discloses that “cellular terminal 134 transmits additional information to assist emergency service personnel in

responding to the 911 call.” Grimes does not, however, disclose means for linking metadata representing the determined mobile communications device location and call related data to audio stream data, as claimed in claim 1.

The Office Action states that the “means for linking metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call” limitation of independent claim 1 is disclosed in col. 7, lines 4-61 of Grimes. Col. 7, lines 4-61 discloses that the user has the geo-coordinate information transmitted to the agent in voice form as audio information by actuating a location button. Grimes does not, however, disclose the “linking of metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call,” as claimed in claim 1. Thus, independent claim 1 is allowable over Ayoub in view of Grimes.

Independent claims 10 and 19 claim the limitation of “means for linking metadata representing the determined mobile communications device location and call related data” to audio stream data sent from the mobile communications device. Independent claim 32 also claims the limitation of linking metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call.

Therefore, independent claims 10 and 19 are allowable over Ayoub in view of Grimes for the reasons discussed above in conjunction with claim 1. Allowance of the independent claims is requested. All remaining claims are dependent upon an allowable independent claim and are therefore also allowable. In addition, the dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claims 9, 18, 29 and 41 claim that the call related data is selected from the group consisting of a call record, called/calling party, and billing identification. The Office Action states that Ayoub discloses this limitation by the “teaching of a DID [direct Inward dialing] number which corresponds to a

location,” as cited in col. 3, lines 14-18. Ayoub does not, however, disclose that call related data, which is in addition to mobile communications device location, is selected from the group consisting of a call record, called/calling party, and billing identification. Grimes also does not disclose this limitation. Grimes discloses “transmitting personal characteristics or personal medical information” in col. 7, lines 31-61 but does not disclose transmitting a call record, called/calling party, and/or billing identification in addition to the location. Therefore, dependent claims 9 and 18 are allowable over the cited art.

Dependent claims 30, 31 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ayoub and Grimes and further in view of Lemelson. Dependent claims 30, 31 and 42 claim the limitation of wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata. The Office Action admits that Ayoub and Grimes fail to disclose this limitation and relies on Lemelson to cure the deficiencies of Ayoub and Grimes.

Lemelson discloses a system and method for tracking, monitoring, and learning prisoner or parolee behavior that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance. Lemelson does not, however, disclose a communications terminal being a surveillance device as well as a recording device for recording the audio stream data and linked metadata. Lemelson instead discloses a voice recorder unit“ used to record individual voice messages and also to provide voice response messages such as audible messages to security personnel in response to inquiries from such personnel via radio links.” (Col. 14, lines 17-24). Therefore, neither Ayoub, Grimes, nor Lemelson disclose the limitations claimed in dependent claims 30, 31, and 42.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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